



## STATE OF SOUTH CAROLINA DEPARTMENT OF CONSUMER AFFAIRS

### MORTGAGE BROKER APPLICATION INSTRUCTIONS

**Mailing Address**

P.O. Box 5757  
Columbia, SC 29250-5757

S.C. Code Ann. § 40-58-10 through -110 (Supp. 2004)

[www.state.sc.us/consumer](http://www.state.sc.us/consumer)  
803-734-4236/800-922-1594

**Street Address**

3600 Forest Drive, 3<sup>rd</sup> Floor  
Columbia, SC 29204-4406

- A. Complete the [Mortgage Broker License Application](#), in its entirety. Each owner, member, manager, and/or partner must meet the experience requirements in South Carolina (SC) Code Section 40-58-50(C) and pay for a criminal records check, currently \$25 per person, payable to the S.C. Department of Consumer Affairs.
- B. Fully complete a Supplemental Form A, OWNER/EMPLOYEE INFORMATION, for each owner, partner, member, corporate officer, shareholder and employee other than originators. The term "employee" on this form means any person employed by the business other than those who engage in direct loan brokerage activity, including processors. Employees that engage in direct loan brokerage activity, i.e. originators must be separately licensed and do not require a Supplemental Form A (See South Carolina Code Section 40-58-20). Have your originators refer to [Supplemental Form O](#) and Originator License Instructions available on the Department's website.
- C. Complete a [Supplemental Form B1](#), LOCATION: Main or Branch, or Supplemental Form B2, Location - Satellite for every location in which your company will transact business in South Carolina. An out-of-state company should complete a B1 Form for its main out-of-state location(s). NOTE: A MORTGAGE BROKER MUST HAVE AT LEAST ONE LOCATION IN SOUTH CAROLINA open 30 hours per week and staffed by an employee. \*Complete a Supplemental Form B2, Location - Satellite, for each satellite location.\* See South Carolina Code Section 40-58-65(C). A satellite office is not permitted in South Carolina until at least a branch or main location is open in South Carolina. Each branch or satellite location requires a \$150 licensing fee.
- D. Submit your most recent FINANCIAL STATEMENTS indicating net worth, dated not more than 180 days prior to the date of the application, certified as true and correct by your dated signature or audited. Personal financial statements of owners may be substituted for new company statements.
- E. If the business is a Corporation or LLC submit: 1) a certified copy of the last CERTIFICATE OF EXISTENCE, dated not more than 180 days prior to the date of the application, issued by the South Carolina Secretary of State; 2) a copy of your ARTICLES OF INCORPORATION or ARTICLES OF ORGANIZATION; 3) a completed [Supplemental Form C](#), Corporate or Limited Liability Company information. (Copies of Articles or Certificates of Existence may be obtained by contacting the South Carolina Secretary of State's Office at (803) 734-2158); 4) Out of State Corporations must also submit a certified copy of an Application by a Foreign Corporation OR LLC for a Certificate of Authority to Transact Business in the State of South Carolina. ALL OUT OF STATE CORPORATIONS OR LLCs MUST FILE WITH THE SOUTH CAROLINA SECRETARY OF STATE.
- F. Submit a proposed copy of your mortgage broker fee agreement which must comply with the Mortgage Broker Act, S.C. Code Ann. 40-58-10 through -110; Mortgage Loan Broker Regulation, S.C. Code Regs. 28-400C and the High Cost and Consumer Home Loan Act, S.C. Code Ann 37-23-10 through -85 ([example](#)). This is the fee/service agreement between your company and the consumer entered into at the time of application.
- G. On receipt of the items in A-F and a \$200.00 processing fee by check made payable to the S.C. Department of Consumer Affairs, the Administrator or his designee will review the application and forms to determine whether issuance of a License to that applicant would comply with the requirements of the Mortgage Broker's Act. Do not send application fee and bond at this point, we will request at a later time.
- H. The Administrator or his designee will then:
1. Deny issuance of a License; or
  2. Inform the applicant that a License will be issued upon the Department's receipt of:
    - (a) An Application fee of \$550.00, payable by certified or cashiers check and an additional fee of \$150.00 for each branch or satellite location, to S.C. Department of Consumer Affairs AND
    - (b) A separate bond or letter of credit in favor of the Department of Consumer Affairs in the sum of ten thousand dollars.

- I. On receipt of the materials required under H.2. above, the Administrator or his designee will issue a License to do business at the location specified on the application. THE LICENSE MUST BE RENEWED ANNUALLY, IT EXPIRES SEPTEMBER 30 OF EACH YEAR. Eight hours of Continuing Professional Education (CPE) must also be earned by September 30 of each year. A broker must notify the Department in writing if it is closing its business, any South Carolina location or not renewing its license.
- J. Submit application materials to: Legal Division, S.C. Department of Consumer Affairs, P.O. Box 5757, Columbia, SC 29250-5757. Average total processing time for application is approximately 30 days.